



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,631	12/25/2003	Shiang Yueng Feng		1630
35379	7590	01/13/2006		
SHIANG Y. FENG 3402 FOX MEADOWS DRIVE COLLEYVILLE, TX 76034			EXAMINER GRAYSAY, TAMARA L	
			ART UNIT	PAPER NUMBER
			3636	
DATE MAILED: 01/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,631

Applicant(s)

FENG, SHIANG YUENG

Examiner

Tamara L. Graysay

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. References A and B on the attached PTO-892 were listed in the specification by applicant, and have been considered by the examiner.

Specification

2. The disclosure is objected to because of the following informalities:
 - a. [0016]: [slats 41] should be slats 42.
 - b. [0020]: [31and 33] should be 31 and 33.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

MPEP § 608.01 reads in part,

Any claim which is in dependent form but which is so worded that it, in fact, is not a proper dependent claim, as for example it does not include every limitation of the claim on which it depends, will be required to be canceled as not being a proper dependent claim; and cancellation of any further claim depending on such a dependent claim will be similarly required. The applicant may thereupon amend the claims to place them in proper dependent form, or may redraft them as independent claims, upon payment of any necessary additional fee.

Claim 2: does not include every limitation of claim 1, on which it depends. Claim 1 requires that each door can be opened in two opposite directions; however, claim 2 is limited such that the door(s) can be opened in only one direction. Applicant may overcome this rejection by amending the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris (US-4762242).

a. Claim 1: Harris discloses an apparatus comprising: a frame (16, 20, 21, 18); at least two doors (cover 10 including a plurality of flat members comprising a grate 22, side bars 24, front crossmember 26, rear crossmember 28, brace 29, spacers 31) covering the top opening (12) of the pit, each door can be opened in opposite directions (at either end of the pit opening or the center of the pit opening FIG. 4B, 5, and col. 6:14-32) such that when opened, there is no obstacle near the full length of the pit, as broadly recited.

The claim does not structurally define over the grated doors of Harris.

b. Claim 2: Alternatively, the doors can be opened in one direction. For example, toward one end of the pit opening as depicted in FIG. 1 and 4B.

c. Claim 3: The frame (part 16) is integrated into the concrete wall of the pit (see FIG. 1, 2, 4A, 4B and 5). The liner 16 is integrated into the wall insofar as it is connected thereto.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Parsons (US-5979128) teaches integrating a frame within a concrete opening or pit (FIG. 2, 3).
- Ryan (US-4960150) teaches a plurality of doors (16) supported by a support frame (12) embedded in (FIG. 3) or attached to (FIG. 3A) a concrete wall.
- Eyerle (US-4628646) teaches a sliding door covering a maintenance pit (10). The door is slatted and when open, the top is not obstructed.
- Ray (US-3766691) teaches a plurality of doors (26a) laterally retractable (FIG. 7) to provide no obstacle near the full length of the opening below).
- Lankheet (US-366691) teaches a plurality of doors (50) that extend between channel members (30) and cover an opening (1).
- Matsushima (US-3570579) teaches a sliding door that is retractable in a vertical channel (FIG. 2) or a horizontally recessed channel (FIG. 4).
- Hida (US-3456405) teaches an arched frame having a top member that is removable (FIG. 2 and 3).
- Schlytern (US-2805450) teaches a C-shaped channel (22') for receiving rollers (22) for a rolling door (11).
- Shield (US-2610086) teaches a flexible cover retractable in two directions and a U-shaped frame that is removable from the vertical supports.
- Weisz (US-2132062) teaches a slat door (14) that moves along an arched member.
- Burdo (US-2094940) teaches a track (9) having a single vertical member (FIG. 2) or two vertical members (FIG. 6).
- Beahan (US-905634) teaches a lock (FIG. 6) for retaining a sliding screen (7) in two different positions (Via opening 28 and 29 in the screen frame).
- Wright (US-593266) teaches a rolling slat door (9) that is retained in vertical channels interconnected by an arched member.


Art Unit: 3623

- Benstein (DE-3439038A) teaches a plurality of laterally retractable doors for a maintenance pit.
- Miyoshino (JP-03002449A) teaches a plurality of rolling slatted members (7) covering an opening (2) and moving in two directions (traveling lines 3).
- Miura (JP-02013671A) and Miura (JP-01182442A) teach a single door (FIG. 2) or plurality of doors (FIG. 4) covering an opening.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 1/9/06
Tamara L. Graysay
Examiner
Art Unit 3623

20060104